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Message Text

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ACTION EA-09

INFO OCT-01 ISO-00 IO-11 CIAE-00 DODE-00 PM-04 H-02 INR-07

L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

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---------- 127059
R 180350Z FEB 76
FM AMEMBASSY MANILA
TO SECSTATE WASHDC 2199

C O N F I D E N T I A L MANILA 2333

E.O. 11652: GDS
TAGS: SHUM, PINT, PINS, RP
SUBJECT: HUMAN RIGHTS: DE LA TORRE CASE

REF: (A) STATE 037209; (B) MANILA 2115

FOLLOWING KEYED TO QUESTION POSED PARA FOUR REFTEL A:

1. WE UNDERSTAND ALL PRISONERS FACE SAME CHARGES AS DE LA TORRE, VIZ, CONSPIRACY TO COMMIT REBELLION AND VIOLATION OF PRESIDENTIAL DECREE 33 (PROHIBITION OF PRINTING, PUBLISHING, DISTRIBUTION, AND CIRCULATION OF SUBVERSIVE PROPAGANDA).

2. MILITARY TRIBUNALS WHICH HAVE CONDUCTED HEARINGS ON CASE HAVE DEALT WITH DE LA TORRE AND OTHERS AS GROUP. WE UNDERSTAND ONE OF SENATOR DIOKNO'S AIMS IS TO HAVE SUPREME COURT RULE ON WHETHER EACH MEMBER OF GROUP SHOULD HAVE SEPARATE TRIAL. SINCE FEB 7, DISCUSSION WITH SOLICITOR GENERAL, WE HAVE HEARD NOTHING FUTHER ABOUT WHEN SUPREME COURT DECISION ON GOVERNMENT'S ARGUMENT IN DIOKNO PETITION FOR WRIT OF HABEAS CORPUS MAY BE EXPECTED. IN LATEST DISCUSSION WITH AMRSP DETAINEES COMMITTEE REPS, THEY DID NOT DEMUR WHEN EMBOFF REPEATED SOLICITOR GENERAL'S COMMENT THAT IT APPEARED DEFENSE WAS ANXIOUS FOR DELAY IN CASE. EMBASSY IS NOT CERTAIN WHY DIOKNO
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SEEMS TO HAVE ADOPTED THIS DILATORY STRATEGY. ONE

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EXPLANATION MAY BE THAT HE WANTS INTERNATIONAL INTEREST IN CASE TO BUILD UP SO GOVERNMENT MAY BE MORE ACCOMMODATING. ADDITIONAL INQUIRIES FROM CONGRESS (ALTHOUGH PROBABLY ALL GENERATED AT STAFF LEVEL) SUGGEST INTEREST IN CASE MAY BE INCREASING.

3. IN DISCUSSION WITH EMBOFF, AMRSP REPS HAVE SAID THERE HAS BEEN NO TORTURE OF DE LA TORRE SINCE INITIAL PUMMELING IN STOMACH THAT PROMPTED DND INVESTIGATION IN JAN 1975. NOR HAVE AMRSP REPS MADE POINT OF CLAIMING HIS FELLOW PRISONERS HAVE BEEN TORTURED ALTHOUGH WE NOTE IN FEB 7 LETTER TO AMNESTY INTERNATIONAL (POUCHED TO EA/PHL) GROUP SPOKE OF "INTENSFYING SYSTEMATIC PATTERN OF HARRASSMENT AND REPRISALS." BEGIN FYI ONE OF REASONS WHY DE LA TORRE, ET AL, WISH TO BE TRANSFERRED TO METRO MANILA IS THAT THEY MAINTAIN GUARDS AT CAMP OLIVAS ARE OUT TO GET THEM FOR BLOWING THE WHISTLE ON MALTREATMENT. SINCE PRISONERS HAVE BEEN ALLOWED REGUALR VISITS FROM FAMILY, HOWEVER, WE DOUBT THERE HAS BEEN SUSTAINED OR SERIOUS TORTURE, ALTHOUGH WE SUSPECT THERE HAVE BEEN INSTANCES WHEN GUARDS HAVE BEEN LESS THAN GENTLE WITH MEMBERS OF GROUP OTHER THAN DE LA TORRE. END FYI.

4. AS FAR AS WE KNOW, GOP HAS NOT AGREED TO TRANSFER GROUP TO METRO MANILA AND THEIR HUNGER STRIKE CONTINUES. MILITARY, HOWEVER, CLAIMS DIET OF THREE SALTINE CRACKERS, FIVE CANDIES, SALT, SUGAR AND A SMALL CAN OF CONDENSED MILK SHARED BY TWELVE MEN DOES NOT CONSTITUTE HUNGER STRIKE. WE SHALL REPORT ADDITIONAL DEVELOPMENTS SO DEPARTMENT MAY BE RESPONSIVE TO CONGRESSIONAL INQUIRIES.
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